



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 3701-00
14 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 13 February 1997, the Physical Evaluation Board (PEB) made preliminary findings that you were unfit for duty because of asthma, which it rated as 10% disabling. On 21 February 1997, you completed an Election of Options for Preliminary/Reconsidered Findings of Unfit for Duty, in which you indicated your acceptance of the preliminary findings of the PEB, and waived your right to a formal hearing. On 11 March 1997, the President, PEB, requested that the Chief of Naval Personnel effect your separation from the Navy with entitlement to severance pay but without further disability benefits. You were discharged with entitlement to severance pay on 4 April 1997, in accordance with the approved findings of the PEB.

The Board noted that at the time in question, the PEB assigned disability ratings only to those conditions which rendered a service member unfit for duty, or which contributed to an unfitting condition and warranted a separate rating. Although you were treated for a number of medical conditions other than asthma during your enlistment, the Board was not persuaded that any of them rendered you unfit for duty, or contributed to the asthma and warranted a